

Introduced by Senator DeSaulnier

February 17, 2010

An act to amend Section 11165 of the Health and Safety Code, relating to controlled substances.

LEGISLATIVE COUNSEL'S DIGEST

SB 1071, as introduced, DeSaulnier. Controlled Substance Utilization Review and Evaluation System.

Existing law provides for the electronic monitoring and reporting of the prescribing and dispensing of Schedule II, Schedule III, and Schedule IV controlled substances pursuant to the Controlled Substance Utilization Review and Evaluation System (CURES) program.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11165 of the Health and Safety Code is
- 2 amended to read:
- 3 11165. (a) To assist law enforcement and regulatory agencies
- 4 in their efforts to control the diversion and resultant abuse of
- 5 Schedule II, Schedule III, and Schedule IV controlled substances,
- 6 and for statistical analysis, education, and research, the Department
- 7 of Justice shall, contingent upon the availability of adequate funds
- 8 from the Contingent Fund of the Medical Board of California, the
- 9 Pharmacy Board Contingent Fund, the State Dentistry Fund, the
- 10 Board of Registered Nursing Fund, and the Osteopathic Medical

1 Board of California Contingent Fund, maintain the Controlled
2 Substance Utilization Review and Evaluation System (CURES)
3 for the electronic monitoring of the prescribing and dispensing of
4 Schedule II, Schedule III, and Schedule IV controlled substances
5 by all practitioners authorized to prescribe or dispense these
6 controlled substances.

7 (b) The reporting of Schedule III and Schedule IV controlled
8 substance prescriptions to CURES shall be contingent upon the
9 availability of adequate funds from the Department of Justice. The
10 Department of Justice may seek and use grant funds to pay the
11 costs incurred from the reporting of controlled substance
12 prescriptions to CURES. Funds shall not be appropriated from the
13 Contingent Fund of the Medical Board of California, the Pharmacy
14 Board Contingent Fund, the State Dentistry Fund, the Board of
15 Registered Nursing Fund, the Naturopathic Doctor's Fund, or the
16 Osteopathic Medical Board of California Contingent Fund to pay
17 the costs of reporting Schedule III and Schedule IV controlled
18 substance prescriptions to CURES.

19 (c) CURES shall operate under existing provisions of law to
20 safeguard the privacy and confidentiality of patients. Data obtained
21 from CURES shall only be provided to appropriate state, local,
22 and federal persons or public agencies for disciplinary, civil, or
23 criminal purposes and to other agencies or entities, as determined
24 by the Department of Justice, for the purpose of educating
25 practitioners and others in lieu of disciplinary, civil, or criminal
26 actions. Data may be provided to public or private entities, as
27 approved by the Department of Justice, for educational, peer
28 review, statistical, or research purposes, provided that patient
29 information, including any information that may identify the
30 patient, is not compromised. Further, data disclosed to any
31 individual or agency as described in this subdivision shall not be
32 disclosed, sold, or transferred to any third party.

33 (d) For each prescription for a Schedule II, Schedule III, or
34 Schedule IV controlled substance, the dispensing pharmacy or
35 clinic shall provide the following information to the Department
36 of Justice on a weekly basis and in a format specified by the
37 Department of Justice:

38 (1) ~~Full~~ *The full* name, address, and ~~the~~ telephone number of
39 the ultimate user or research subject, or contact information as
40 determined by the Secretary of the United States Department of

1 Health and Human Services, and the gender; and date of birth of
2 the ultimate user.

3 (2) The prescriber's category of licensure and license number;
4 federal controlled substance registration number; and the state
5 medical license number of any prescriber using the federal
6 controlled substance registration number of a government-exempt
7 facility.

8 (3) Pharmacy prescription number, license number, and federal
9 controlled substance registration number.

10 (4) NDC (National Drug Code) number of the controlled
11 substance dispensed.

12 (5) Quantity of the controlled substance dispensed.

13 (6) ICD-9 (diagnosis code), if available.

14 (7) Number of refills ordered.

15 (8) Whether the drug was dispensed as a refill of a prescription
16 or as a first-time request.

17 (9) Date of origin of the prescription.

18 (10) Date of dispensing of the prescription.

19 ~~(e) This section shall become operative on January 1, 2005.~~